

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION

LARRY W. JOHNSON,

Plaintiff/Movant,

v.

RCO LEGAL, P.S.,

Defendant/Respondent.

CIVIL ACTION FILE
NO.

APPLICATION TO CONFIRM
ARBITRATION AWARD

NOTE ON MOTION
CALENDAR: April 21, 2017

APPLICATION TO CONFIRM ARBITRATION AWARD

Pursuant to Federal Rule of Civil Procedure 81(a)(6)(B), 9 U.S.C. § 6, and
9 U.S.C. § 13, Movant, Larry W. Johnson, respectfully presents the Court the
following:

Parties, Jurisdiction and Venue

1. Mr. Johnson is an individual and a resident of the State of Georgia.
2. Respondent RCO Legal, P.S. ("RCO") is a corporation organized and
existing under the laws of the State of Washington, and its principal place of

APPLICATION TO CONFIRM ARBITRATION AWARD - 1

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1 business is in the State of Washington. RCO is subject to the jurisdiction of this
2 Court and may be served with process by serving its registered agent, Corporation
3 Service Company, 300 Deschutes Way, SW, Suite 304, Tumwater, Washington
4 985010000.
5

6 3. The Court has jurisdiction pursuant to 28 U.S.C. § 1332 because the
7 matter in controversy exceeds the sum or value of \$75,000.00, and is between
8 citizens of different states.
9

10 4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(2), or
11 28 U.S.C. § 1391(b)(3).
12

13 Factual Background

14 5. Mr. Johnson filed a Demand for Arbitration with the American
15 Arbitration Association on October 27, 2015, alleging that his former employer,
16 Respondent RCO, improperly terminated him "for cause" on September 10, 2015.
17

18 6. Mr. Johnson alleged that Respondent RCO breached his Employment
19 Agreement, and thereby deprived him of a severance payment to which he was
20 entitled pursuant to that agreement.
21

22 7. On February 21, 2017, arbitrator James M. Paulson granted Mr.
23 Johnson's Motion for Summary Judgment, finding that RCO breached the
24 agreement when it terminated him "for cause". A true and correct copy of that
25

1 ruling is attached to the Declaration of Charles J. Cole as Exhibit "A". In that
2 ruling, the arbitrator retained jurisdiction pending the parties' agreement "on the
3 calculation of a remedy". (Exhibit "A", p. 1)
4

5 8. On or about February 24, 2017, Mr. Johnson's counsel reached out to
6 RCO's counsel, in an effort to determine whether the parties might be able to reach
7 such an agreement. The parties did not agree.
8

9 9. On March 2, 2017, Mr. Johnson filed a Motion for Attorneys' Fees,
10 Costs, Prejudgment Interest, and for Final Award. A true and correct copy of that
11 motion is attached to Mr. Cole's Declaration as Exhibit "B".
12

13 10. Mr. Johnson sought an award in the principal amount of \$540,000.00
14 in unpaid compensation pursuant to his Employment Agreement, \$171,000.00 in
15 attorneys' fees, \$21,465.59 in costs, and \$94,980.82 in prejudgment interest,
16 calculated through February 28, 2017. Prejudgment interest continued to accrue at
17 the rate of \$177.53 per day.
18
19

20 11. RCO filed a Motion for Reconsideration on March 6, 2017. Mr.
21 Johnson responded. Mr. Johnson incurred an additional \$6,425.00 in fees, and an
22 additional \$2,825.00 in expenses, from March 1 – March 18, 2017. Mr. Johnson
23 also asked the arbitrator to award these amounts. A true and correct copy of Mr.
24
25

1 Cole's supplemental affidavit in support of these fees and costs, which was
2 submitted to the arbitrator, is attached to Mr. Cole's declaration as Exhibit "C".
3

4 12. Mr. Johnson requested the arbitrator to award attorneys' fees in the
5 total amount of \$177,425.00, and costs in the total amount of \$24,290.59.
6

7 13. On March 29, 2017, the arbitrator issued a final award "granting
8 judgment in favor of the Claimant and allowing the Claimant's request for
9 damages, attorneys' fees, costs and prejudgment interest in the amounts specified
10 in Claimant's motion". A true and correct copy of the Arbitrator's Final Award is
11 attached to Mr. Cole's declaration as Exhibit "D".
12

13 Count 1 - Confirmation of Award Pursuant to 9 U.S.C. § 9
14

15 14. The Parties have agreed that a judgment of the Court shall be entered
16 upon the award, they have specified the Court, and Mr. Johnson has applied for an
17 order confirming the award within one year after the award was made. A true and
18 correct copy of the applicable Employment Agreement is attached as Exhibit "E".
19

20 WHEREFORE, Mr. Johnson respectfully prays that the Court:

- 21 1. Issue process to the Respondent;
22 2. Confirm the Arbitrator's Final Award entered March 29, 2017;
23 3. Enter judgment in favor of Mr. Johnson confirming the Arbitrator's
24 Final Award, in the principal amount of \$540,000.00;
25

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1 DATED this 31st day of March, 2017.

2 s/Matthew D. Green, WSBA #18046
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